

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

THE UNITED STATES OF AMERICA, et al

-vs-

ARAKI, Sadao, et al

Sworn Deposition (Translations)

Deponent: MIYAMA, Yozo

Having first duly sworn an oath as on attached sheet and in accordance with the procedure followed in my country I hereby depose as follows.

1. I am MIYAMA, Yozo, now occupy the post of Chief of the Archives Section of the 1st Repatriation Board and live at present at TOKYO-To, CHIYODA-Ku, NAGATA-Cho, 1-Chome, No.8.

I was Adjutant of the War Ministry since 6 March 1945 until the War Ministry was abolished.

2. I was in charge of the handling and custody of the secret documents in the War Ministry.

The handling of secret documents in the Army was in accordance with the rules laid down in Regulations for the Handling of Army Secret Documents.

In the second clause of Article 46 it was stipulated that the container for secret documents to be carried to the

The main points of this order were reported to SCAP. A copy of this report was presented to the Allied Forces and is no longer in our hands.

This order was communicated to the troops, offices and schools higher than independent units and in charge of secret documents.

On the War Ministry, I called officers together to receive orders on 14 August and made my adjutant dictate them the order, starting the burning toward the evening of the same day.

The burning was carried out at each department and section. This was because the chiefs of each department and section were responsible for the custody and management of the secret documents kept at each department and section.

At that time as the Army had fallen into extraordinary excitement and disorder as a result of the surrender, the above mentioned order to dispose of only secret documents did not penetrate perfectly and each department and section burned in so short a while so much more than was usual that they not only burned secret documents but also non-secret books were reduced to ashes without referring to the list.

On the night of the 14th, the flames from the burning shot up so much so that the local fire station mistook it for a conflagration. This lasted until the 18th. But

it was learned toward the evening of the 17th that every department and section were burning even non-secret documents. The big diaries such as the Secret Big Diary (MITSUDAI NIKKI) and the Manchurian Secret Big Diary (MANMITSUDAI NIKKI), precious historical materials, were transported to the War Ministry Ware-house at TOKYO-TO, MINAMITAMA-GUN, YOSHIKIMURA, YOSHIKIHACHIOJI, and were preserved there from Dec. 1944 to March 1945 to avoid damage from air raids. Part of them was burnt, but the greater part was handed over to the Washington Document Centre then stationed at the site of the former 1st Arsenal of OJI, having been transported there directly from the HACHIOJI Ware house by 8 trucks of the 1st Demobilization Department on 8th and 9th January 1946 at the request of Major Duncan MacFarlane Chief of the W.D.C. of the allied Forces.

I assume that troops, offices, schools etc. started towards the evening of the 14th day and soon finished burning all their documents.

1. Excerpt from the Military Penal Code.

Law No. 46 of 10 Apr. 1908 (MEIJI 41)

Revised Law No. 35 of Feb. 1942 (SHOWA 17)

Article 52.

The custodian of military secret documents and material who does not exhaust all possible means in emergency to

keep them out of the enemy's hands shall be imprisoned for term of not more than 5 years.

2. Excerpt from Regulations for Handling Military Secret Documents.

Military Law No. 850 of 1933 (SHOWA 8)

Revised Law No. 919 of 1938 (SHOWA 13)

Article 46, II.

The container to be carried out to the zone of war or incident by mobilized units and such like shall be the official trunk and steps shall be taken for important documents to be burnt, if need be, in case of emergency.

On this 5 day of June, 1947.

At Tokyo.

DEPONENT /s/ MIYAMA, Yozo. (seal)

I, MIYAMA, Yozo hereby certify that the above statement was sworn by the Deponent, who affixed his signature and seal thereto in the presence of this Witness.

On the same date, at the same place.

Witness: /s/ BANNO, Junkichi (seal)

OATH

In accordance with my conscience I swear to tell the who be truth with holding nothing and adding nothing.

/s/ MIYAMA, Yozo (seal)

極東國際軍事裁判所

亞米利加合衆國其他

對

荒木貞夫其他

宣誓供述者

供述者 美 山 要 藏

自分議我國ニ行ハルル方式ニ從ヒ先ヅ別紙ノ通り宣誓ヲ爲シタル上次ノ
如ク供述致シマス

一、私ハ美山要藏デアリマス

私ハ現在第一復員局文書課長デアリマス

私ノ現住所ハ東京都千代田區永田町一丁目八番地デアリマス

私ハ昭和二十年三月六日ヨリ陸軍省カ廢止サレル迄陸軍省副官ヲシテ居
リマシタ。

二、陸軍省ニ於ケル機秘密書類取扱。保管ノ責任者ハ私デアリマシタ。

陸軍ニ於ケル機秘密書類ノ取扱ニ關シテハ陸軍秘密書類取扱規則ニ依リ
規定サレテ居リマシタ。

其ノ第四十六條ノ二ニハ戰地又ハ事變地携行ノ機秘密圖書ノ容器ハ公用
行李ヲ用ヒ其ノ重要ナルモノハ所妥ニ應ジ危急ノ際ハ之ヲ湮滅スルノ處
置ヲ講ズル機規定サレ又陸軍刑法第五十二條ニハ軍事機秘密書類、物件ヲ
保管スル者危急ノ時ニ當リ敵ニ委セザル方法ヲ盡サザルトキハ五年以下
ノ禁錮ニ處スト規定サレテ居リマス。(別紙一、二參照)

三、終戰時ニ於テハ降服トイフ特殊ナ事情デアリマシタノデ陸軍大臣ハ其
ノ責任ト職權トニ基キ機秘密書類焼却ノ命令ヲ發シマシタ、其ノ命

令ハ大臣ノ命ニ依リ部下ノ副官ニ於テ起案シ私ヲ經テ決裁手續ヲ致シタ
モノデアリマス。

其ノ命令ノ要旨ハ次ノ様ニ記憶シテキマス。

「陸軍秘密書類取扱規則ニ依ル機秘密書類及之ニ類スル書類ハ直ニ焼却
ノコト本電ハ受領セバ焼却スベシ依命」

本命令ノ發セラレタノハ一九四五年八月十四日デアリマシテ陸軍省高級
副官ヨリ依命通牒トシテ發セラレマシタ。コノ命令ノ原文ハ焼却シマシ
タ又各部隊ニ於テモ命令ニアル通り焼却サレマシタノデ現在ハアリマセ
ン

コノ命令要旨ハ已ニ聯合軍最高司令部ニ報告済ノモノデアリマス。
報告ノ控ハ聯合軍ニ提出シ現在アリマセン。

コノ命令ハ機秘密書類ヲ保テスル獨立部隊以上ノ軍隊、官衙、學校等總
テニ宛テ下達サレマシタ陸軍省ニ於テハ八月十四日午後命令受領者ヲ集
メ私力部下副官ヲシテ口達下令セシメ同日夕刻カラ焼却ヲ開始シマシタ。
焼却ハ各部、課毎ニ行ハレマシタ。

ソレハ各部、課ニ保管サレテ居タ秘密圖書ノ保管、取扱ノ責任者ハ各部、課長デアツタ爲デアリマス。
焼却場所ハ現任法廷トナツテキルコノ建物ノ中庭其他各所デ行ハレマシタ。

コノ當時軍ハ降服トイフ異常ナ興奮ト混亂トニ陥リ上述ノ機秘密書類ノミノ焼却命令ハ徹底セズ又各部、課ニ於テハ平素ヨリノ慣習上直感的ニ至短時間ニ焼却ヲ行ヒマシタノデ戒薄ニ照合スルコトナク機秘密書類ノミナラズ普通圖書迄モ焼却スル結果トナリマシタ。

十四日夜ハ焼却ノ火焰天ニ沖シ地方消防署ハ火災ト誤認シタ程デアリマシタ焼却ハ十八日迄続キマシタガ十七日夕刻ニ至リ各部、課ハ普通圖書迄焼却シテ居ルコトガ判明致シマシタ。

密大日記、満密大日記等ノ大日記ハ貴重ナ歴史的資料デアリマスカラ空襲ニ因ル被害ヲ避クル爲昭和十九年十二月ヨリ昭和二十年三月ニ亘リ東京都市多摩郡由木村由不八王子陸軍省倉庫ニ運搬シ陳開シテアリマシタ其ノ内一部ハ焼却シマシタガ大部ハ聯合軍「ワシントン」文書部長「ダ

シカン・マツクフアーレン」少佐ノ要求ニヨリ昭和二十一年一月八日、
九日ノ兩日八王子倉庫ヨリ第一侵襲省ノ貨物自動車八輛ニヨリ王子ノ第
一陸軍造兵廠跡ニ直接搬送シ同所ニ駐屯シテ居タ「ワシントン」文書部
(W、D、O)ニ引渡シマシタ。

各軍隊、官衙、學校等ニ於テハ十四日夕迄ヨリ焼却ヲ開始シ間モナク全
部ノ焼却ヲ完了シタ様ニ証シテ居マス

陸軍刑法拔萃

明治四十一年四月十日法律第四十六號
昭和十七年二月法律第三五號改正

第五十二條 軍事秘密ノ圖畫、物件ヲ保管スル者危急ノ時ニ當リ之ヲ敵ニ
委セサル方法ヲ盡ササルトキハ五年以下ノ禁錮ニ處ス

別紙二

陸軍秘密事項取扱規則抜萃

昭和八年陸首第八五〇號

昭和十三年陸首第九七九號改正

第四十六條ノ二

動員部隊等ニ於テ使用スベキ戰地又ハ事變地携行用ノ容器ハ公用行李ヲ
用ヒ其ノ重要ナルモノニハ所要ニ應ジ危急ノ際之ヲ湮滅スルノ處置ヲ講
ジ置クモノトス

昭和二十二年（一九四七年）六月五日 於東京

供 証 者 美 山 要 藏

右ハ當立會人ノ面前ニテ宣誓シ且ツ署名捺印シタルコトヲ證明シマス

同日於同所

立 會 人 阪 埜 淳 吉

Lef. Doc. #1735

宣
誓
書

良心ニ從ヒ眞實ヲ述ベ何事ヲモ默秘セズ又何事ヲモ附加セザルコトヲ誓フ

署名捺印

美
山
要
藏

Def. Doc. #1735 A

CERTIFICATE OF AUTHENTICITY

I, who occupy the post of the Chief of Archives Section of the First Demobilization Bureau, hereby certify that the document hereto attached, printed in Japanese consisting of 60 pages and entitled "The matters concerning military secret documents. Handling of military secret documents." is a document compiled and issued by the Japanese Government (The War Department.)

certified at Tokyo,

on this 5th day of May 1947

/s/ Miyama, Yozo (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,

on the same date

Witness: /s/ Banno, Junkichi (seal)

文書成立ニ關スル證明書

自分ハ第一復員局文書課長ノ職ニ居ル者ナル處、茲ニ添付セル日本語ニ依リ印刷セラレ六〇頁ヨリ成ル陸軍軍事上ノ秘密書類ニ關スル件陸軍秘密書類取扱規定ト題スル印刷物ハ日本政府（陸軍省）ノ編纂ニ係ル文書ノ一ナルコトヲ證明ス

昭和二十二年五月五日

於東京

第一復員局文書課長

美 山 要 藏

右署名捺印ハ自分ノ面前ニ於テ爲サレタルモノナルコトヲ證明ス

同日於同所

立會人 阪 埜 淳 吉

CERTIFICATE OF SOURCE AND AUTHENTICITY

I, SATO, Tomoo, who occupy the post of an administrative official of the Cabinet, hereby certify that the document hereto attached, written in Japanese, consisting of 13 pages and entitled "The Military Penal Code...10 April 1908-Law No. 46; Memoirs February 1942-Law No. 35 Revised." is an exact and authorized excerpt from an official document in the custody of Japanese Government(The Cabinet.)

certified at Tokyo,

on this 13 th day of June 1947

/s/ Sato, Tomoo (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,

on this same date

witness: /S/ Iwanaga, Kenichi (seal)



Def Don No 1735 B

文書ノ出所竝ニ成立ニ關スル證明書 (三號)

自分佐藤朝生ハ内閣事務官ノ職ニ居ル者ナル處、茲ニ添附セラレタル日本語ニ依ツテ書カレ拾參頁ヨリ成ル陸軍刑法明治四十一年四月十日法律第四十六號沿革昭和十七年二月法律第三五號改正ト題スル書類ハ日本政府(内閣)ノ保管ニ係ル公文書ノ拔萃ノ正羅ニシテ眞實ナル寫シナルコトヲ證明ス

昭和二十二年六月十三日 於東京

佐藤朝生

右署名捺印ハ自分ノ面前ニ於テ爲サレタリ

同日於同所

立會人 岩永賢一